

IN RE: PETITION FOR ADMIN. VARIANCE • BEFORE THE  
E/S Silver Meadow Lane, 250' S • DEPUTY ZONING COMMISSIONER  
of the c/l of Silver Spring Road • OF BALTIMORE COUNTY  
(8625 Silver Meadow Lane)  
11th Election District • Case No. 94-95-A  
6th Councilmanic District  
Susan C. Spinnato and  
William L. Masson -  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Susan C. Spinnato and William L. Masson. The Petitioners request relief from Sections 1802.3.A.2 and 1801.2.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing open projection (deck) with a side yard setback of 1 foot in lieu of the minimum required 6 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of October, 1993 that the Petition for Administrative Variance requesting relief from Sections 1802.3.A.2 and 1801.2.C.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing open projection (deck) with a side yard setback of 1 foot in lieu of the minimum required 6 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

October 5, 1993

(410) 887-4386

Ms. Susan C. Spinnato  
Mr. William L. Masson  
8625 Silver Meadow Lane  
Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
E/S Silver Meadow Lane, 250' S of the c/l of Silver Spring Road  
(8625 Silver Meadow Lane)  
11th Election District - 6th Councilmanic District  
Susan C. Spinnato and William L. Masson - Petitioners  
Case No. 94-95-A

Dear Ms. Spinnato and Mr. Masson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File



## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 8625 Silver Meadow Lane  
which is presently zoned D.R.55

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Sections 1802.3.A.2 and 1801.2.C.4 (B111 100 - 70) and 301.1 to allow an open projection and a side yard setback of 1 ft. in lieu of the required 6 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate whether or practical difficulty)

See attached

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I/We, agree to pay expenses of notice, variance advertising, posting, etc., upon filing of the petition, and further agree to and will be bound by the zoning regulations and restrictions of Baltimore County, as amended, and to the Zoning Law of Baltimore County.

Signature of Petitioner: Susan (Herring) Spinnato  
Signature of Petitioner: Susan C. Spinnato  
Signature of Petitioner: William L. Masson  
Address: 8625 Silver Meadow Lane, 529-4591  
Baltimore, Maryland 21236  
Signature of Zoning Commissioner: Timothy M. Kotroco  
Address: 400 Washington Avenue, Suite 113, Towson, Maryland 21204

ORDER RECEIVED FOR FILING  
Date: 10/5/93  
By: [Signature]

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at  
8625 Silver Meadow Lane  
Baltimore, Maryland 21236

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate whether or practical difficulty)

See attached

This Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Susan (Herring) Spinnato  
Susan C. Spinnato  
William L. Masson

STATE OF MARYLAND, COUNTY OF BALTIMORE, ss we:

I HEREBY CERTIFY, this 5th day of August, 1993, before me, a Notary Public of the State of Maryland, and for the County aforesaid, personally appeared

Susan C. Spinnato and William L. Masson

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinbefore set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal

8-31-93

My Commission Expires: October 1, 1993

## PETITION FOR ADMINISTRATIVE VARIANCE

Strict compliance with the required setback would present a practical hardship for reasons of safety and aesthetics.

It is our intention to build a ground level platform deck and attach it to an existing wooden privacy fence.

Maintaining the required setback would result in the creation of an opening between the fence and the proposed deck, resulting in a potential hazard to our two young children.

To terminate the deck just short of the existing fence in order to meet the required setback would detract from the quality of design we are attempting to achieve. (See attached photographs.)

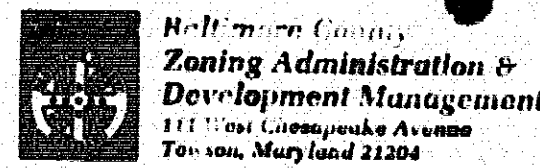
The proposed ground level deck is not inconsistent with other improvements in our development, and would actually enhance the aesthetic quality of our property.

The relief requested is not inconsistent with the spirit and the intent of the Baltimore County Zoning Regulations and will not negatively impact public health safety or welfare.

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 11th Date of Posting: 9/5/93  
Posted for: Susan Spinnato & William L. Masson  
Petitioner: Susan Spinnato & William L. Masson  
Location of property: 8625 Silver Meadow Lane, E/S 250' Silver Spring Rd  
Location of Sign: 785 Silver Spring Road, Suite 113, Towson, MD  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 9/12/93  
Number of Signs: 1



Date

94-95-A

Susan Spinnato  
8625 Silver Meadow Lane

101 - 1st Ave. 50.00  
280 - 1st Ave. 35.00  
8500

Account: R 001-6180

Number: # 98

CAN

01A1H033010HRC

Please Make Checks Payable To Baltimore County

Outstanding

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

September 23, 1993

Ms. Susan Spinnato  
Mr. William L. Masson  
8625 Silver Meadow Lane  
Baltimore, Maryland 21236

RE: Case No. 94-95-A, Item No. 98  
Petitioner: Susan Spinnato and William L. Masson  
Petition for Administrative Variance

Dear Ms. Spinnato and Mr. Masson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 31, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.





O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 496 (CASH)

Dear Ms. Kehring:

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is

My telephone number is \_\_\_\_\_  
Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 555-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

## BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE.

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: September 10, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions From Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item No. 98.

If there should be any further questions or if this office can provide additional information, please contact Gary Kerns in the Office of Planning at 807-3480.

Division Chief:

PK/GK: LW

ZAC.98/PZONE/ZAC1

111 West Chesapeake Avenue  
Towson, MD 21204

Baltimore County Government  
Office of Zoning Administration  
and Development Management

(410) 887-3353

September 13, 1993

## NOTICE OF CASE NUMBER ASSIGNMENT

TO: Susan Henning Spinnato and William L. Kuszon  
8625 Silver Bendow Lane  
Baltimore, Maryland 21236

Re: CASE NUMBER: 94-95-A (Item 98)  
8625 Silver Meadow Lane  
E/S Silver Meadow Lane, 250' S of c/l Silver Spring Road  
11th Election District - 6th Councilmanic


Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be located on or before September 19, 1993. The closing date (October 4, 1993) in the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Zoning Commission. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (other than to a neighbor's formal request or by order of the Commission), the property will be posted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the posting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post with this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jable

Arnold Jable  
Director

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on Recycled Paper